REMARKS

A terminal disclaimer is submitted herewith to avoid any rejection of the claims under the judicially created doctrine of obviousness-type double patenting as being unpatentable over various claims of U.S. Patent No.: 6,714,513 (see claims).

The Examiner has rejected Claims 1-6, 9-14, 17-22, 25-26, and 28 under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al., USPN 6,108,782, in view of Signh et al., USPN 5,758,083.

It appears that the Examiner has added the Signh reference to the Examiner's proposed combination in an effort to reject applicant's claims, as amended. Such new combination, however, is still deficient, since applicant's previous amendments and associated remarks have not be fully addressed and the proposed combination fails to meet all of applicant's claim limitations. Thus, applicant has reemphasized such arguments below, and asserts that consideration thereof would not require a new search and/or consideration.

Nevertheless, as will soon be set forth, applicant has significantly amended the claims in order to expedite the prosecution of the present application and bring a quick closure to this matter.

Specifically, the Examiner relies on the following excerpt from Fletcher to make a prior art showing of applicant's claimed "wherein the report includes a plurality of objects in a tree representation" (note all independent claims).

> "SNMP is designed to support the exchange of Management Information Base (MIB) objects through use of two simple verbs, get and set. MIB objects can be control structures, such as a

> retry counter in an adaptor. Get can get the current value of the MIB and set can change it." (col. 3, lines 47-49)
>
> "The dRMON Collector receives RMON analysis and capture data from the agents and sorts, collates, and aggregates that information into a cohesive database that recreates the view a prior art RMON probe would have if the ESs were all on the same LAN segment with the prior art probe. The collector can then makes this information available to management applications, either using SNMP and the MIB-II and RMON MIBs or optionally, to WEB browsers via HTTP or other web interface language. Different instances of the Collector, like the Agent, can be developed to support a number of different operating systems." (col. 9, lines 33-43)

However, the only disclosure in the above excerpt that remotely addresses reporting is the statement that "[t]hc collector can then make ... this information available to management applications, either using SNMP and the MIB-II and RMON MIBS..."

The Examiner goes on to assert that applicant's claimed "tree representation" is met by the disclosed "MIB." Applicant asserts that the disclosure of MIB does not meet applicant's claimed "tree representation." An exemplary definition for an MIB follows:

> "MIB -Short for *Management Information Base*, a database of objects that can be monitored by a network management system. Both SNMP and RMON use standardized MIB formats that allows any SNMP and RMON tools to monitor any device defined by a MIB." http://www.webopedia.com/TERM/M/MIB.html

Thus, the foregoing excerpts from Fletcher (in light of the foregoing "MIB" definition), fail to meet applicant's claimed "report [that] includes a plurality of objects in a **tree representation**" (emphasis added), as claimed by applicant. Even if the Examiner's erroneous interpretation of MIB was assumed, the Examiner's combination would still fail since applicant is not claiming a tree-based information base, but rather a tree-representation-based report for more effectively displaying objects and reporting on the same.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all the claim limitations as arranged in the claims.

Nevertheless, in the spirit of expediting the prosecution of the present application and bringing a quick closure to this matter, applicant has amended each of the independent claims to recite:

> "wherein the network traffic information relates to wireless network traffic;
>
> wherein at least one zone controller chooses a port number associated with an application and pushes a configuration request to a plurality of the host controllers in an associated zone, and the host controllers push the configuration requests to the agents so that the agents begin to monitor a port associated with the port number, such that monitor data is sent from the agents to the host controllers and buffered, whereafter the host controllers update the at least one zone controller with consolidated monitor data, where differences in delay times are calculated to construct an enterprise picture of latency" (see all independent claims).

Only applicant teaches and claims such a combination of features for creating an enterprise picture of latency, in the foregoing claimed manner.

The Examiner has again requested that applicant state the specific improvements of the claimed subject matter in Claims 1-6, 9-14, 17-22, and 25-29 over the disclosed prior art and indicate the specific elements in the claimed subject matter that provide those improvements. It is further stated that the Examiner "is unable to determine applicant's statement of the specific improvements of the claimed invention over the disclosed prior art."

In response, applicant brings the Examiner's attention to the foregoing remarks set forth above, as well as the following reiteration of the claim-by-claim analysis that was previously submitted.

The claims provide a technique for reporting on network analysis. To this end, the network traffic information is capable of being reported in a distributed environment. Shown below in **bold** are selected elements in the claimed subject matter that provide the specific improvements of the claimed invention over the disclosed prior art.

1. A method for reporting on network analysis, comprising:

(a) **collecting network traffic information utilizing a plurality of agents installed in computers distributed among a plurality of zones;**

(b) **receiving the network traffic information collected from the agents associated with each zone at a separate controller**; and

(c) **transmitting a report on the network traffic information from the controller to a computer coupled thereto via a network.**

2. The method as recited in claim 1, wherein **the report is capable of being displayed on the computer utilizing a network browser.**

3. The method as recited in claim 1, wherein the network includes the Internet.

4. The method as recited in claim 1, and further comprising **receiving a request at one of the controllers for a report on the network traffic information corresponding to the zone associated with the controller.**

5. The method as recited in claim 4, wherein **the report is transmitted in response to the request.**

6. The method as recited in claim 1, wherein **the report includes a network analyzer report.**

7. The method as recited in claim 1, wherein **the report includes a plurality of objects.**

8. The method as recited in claim 7, wherein **the objects are in a tree representation.**

9. A computer program product for reporting on network analysis, comprising:

(a) computer code for **collecting network traffic information utilizing a plurality of agents installed in computers distributed among a plurality of zones;**

(b) computer code for **receiving the network traffic information collected from the agents associated with each zone at a separate controller;** and

(c) computer code for **transmitting a report on the network traffic information from the controller to a computer coupled thereto via a network.**

10. The computer program product as recited in claim 9, wherein **the report is capable of being displayed on the computer utilizing a network browser.**

11. The computer program product as recited in claim 9, wherein the network includes the Internet.

12. The computer program product as recited in claim 9, and further comprising **receiving a request at one of the controllers for a report on the network traffic information corresponding to the zone associated with the controller.**

13. The computer program product as recited in claim 12, wherein **the report is transmitted in response to the request.**

14. The computer program product as recited in claim 9, wherein **the report includes a network analyzer report.**

15. The computer program product as recited in claim 9, wherein **the report includes a plurality of objects.**

16. The computer program product as recited in claim 15, wherein **the objects are in a tree representation.**

17. A system for reporting on network analysis, comprising:

(a) logic for **collecting network traffic information utilizing a plurality of agents installed in computers distributed among a plurality of zones;**

(b) logic for **receiving the network traffic information collected from the agents associated with each zone at a separate controller;** and

(c) logic for **transmitting a report on the network traffic information from the controller to a computer coupled thereto via a network.**

18. The system as recited in claim 17, wherein **the report is capable of being displayed on the computer utilizing a network browser.**

19. The system as recited in claim 17, wherein the network includes the Internet.

20. The system as recited in claim 17, and further comprising **receiving a request at one of the controllers for a report on the network traffic information corresponding to the zone associated with the controller.**

21. The system as recited in claim 20, wherein **the report is transmitted in response to the request.**

22. The system as recited in claim 17, wherein **the report includes a network analyzer report.**

23. The system as recited in claim 17, wherein **the report includes a plurality of objects.**

24. The system as recited in claim 23, wherein **the objects are in a tree representation.**

25. A method for reporting on network analysis, comprising:

(a) **collecting network traffic information utilizing a plurality of agents installed in computers distributed among a plurality of zones;**

(b) **receiving the network traffic information collected from the agents associated with each zone at a separate controller;**

(c) **receiving a request at one of the controllers for a report on the network traffic information corresponding to the zone associated with the controller;** and

(d) **transmitting the report from the controller to a computer coupled thereto via a network;**

(e) **wherein the report is capable of being displayed on the computer utilizing a network browser.**

26. A method for reporting on network analysis, comprising:

**collecting network traffic information utilizing a plurality of information collectors installed in computers distributed among a plurality of zones;**

**receiving the network traffic information collected from the information collectors associated with each zone at an information collector manager;** and

**generating a report on the network traffic information associated with a selected one of the zones.**

27. The method as recited in claim 26, wherein the network traffic information relates to wireless network traffic.

28. A computer program product for reporting on network analysis, comprising:

computer code for **collecting network traffic information utilizing a plurality of information collectors installed in computers distributed among a plurality of zones;**

computer code for **receiving the network traffic information collected from the information collectors associated with each zone at an information collector manager;** and

computer code for **generating a report on the network traffic information associated with a selected one of the zones.**

29. The computer program product as recited in claim 28, wherein the network traffic information relates to wireless network traffic.

Reconsideration is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P064_01.306.01).

Respectfully submitted,
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